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DATE: **February 4, 2011**

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Name: **William J. Allen**
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Telecopier No.: **571-273-1443**
Client/Matter No.: ****OO-0145**
Application No. **09/707,273**
Sender's Name: **Jon M. Isaacson/Erika Eidsmoe**
Pages to Follow: **17**

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COVER MESSAGE:

Attached hereto are the following documents:

1. Applicant Initiated Interview Request Form – (1 page)
2. Draft Response to Final Office Action dated: December 21, 2010 (16 pages)

Thank You

--Erika Eidsmoe

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Applicant Initiated Interview Request Form

Application No.: 09/07,273 First Named Applicant: Charles Eric Hunter
 Examiner: William J. Allen Art Unit: 3625 Status of Application: Pending

Tentative Participants:

(1) William J. Allen (2) Jon M. Isaacson (60,436)
 (3) _____ (4) _____

Proposed Date of Interview: February 7, 2011 Proposed Time: 1 pm ET/10 am PT AM/PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>112/1 rejections</u>	<u>Claims 40, 52, 64</u>	<u>(none)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>112/2 rejections</u>	<u>Claim 64</u>	<u>(none)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>103 rejections</u>	<u>Claims 40, 52, 64</u>	<u>Wiser and Hamada</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

See attached draft response. Applicants believe that the proposed amendments would overcome (1) the rejections of claims 40, 52, and 64 under 112/1, (2) the rejection of claim 64 under 112/2, and (3) the rejection of claims 40, 52, and 64 under 103.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Jon M. Isaacson/

Applicant/Applicant's Representative Signature

Jon M. Isaacson

Typed/Printed Name of Applicant or Representative
60,436

Examiner/SPE Signature

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Charles Eric Hunter, et al.

Confirmation No.: **8435**

Application No.: **09/707,273**

Group Art Unit: **3625**

Filing Date: **November 6, 2000**

Examiner: **William J. Allen**

For: **MUSIC DISTRIBUTION SYSTEMS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **December 21, 2010**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ Amendments to the Specification begin on page of this paper.
- ☒ Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ Amendments to the Drawings begin on page of this paper and include an attached replacement sheet.
- ☒ Remarks begin on page 9 of this paper.
- ☒ The Commissioner is hereby authorized to charge any fee deficiency, charge any additional fees, or credit any overpayment of fees, associated with this application in connection with this filing, or any future filing, submitted to the U.S. Patent and Trademark Office during the pendency of this application, to Deposit Account No. 23-3050.

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This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. – 39. (Canceled)

40. (Currently amended) A method comprising:

informing a consumer that a music selection is available for transmission to an intermediate storage medium at a consumer site via a peer-to-peer music sharing system, the informing comprising placing either a highlight or an icon within a catalog of the peer-to-peer music sharing system whenever the music selection is available for transmission to the intermediate storage medium;

providing a mechanism for the consumer to request the music selection while at a website of the peer-to-peer music sharing system;

receiving a consumer request for a the music selection;

responsive to receiving said the consumer request, transmitting the music selection to an the intermediate storage medium at a consumer site;

receiving an indication that at least a portion of the music selection has been recorded from on the intermediate storage medium to and subsequently recorded on a permanent storage medium located at the consumer site; and

responsive to receiving said the indication, automatically charging the consumer for the music selection.

41. (Previously presented) The method of claim 40 wherein the automatically charging is done electronically.

42. – 43. (Canceled)

44. (Currently amended) The method of claim 43 40 further comprising:

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paying an operator of said peer-to-peer music sharing system for advertising and making music available for transmission to the intermediate storage medium.

45. – 46. (Canceled)

47. (Currently amended) The method of claim ~~43~~ 40, further comprising:
creating a profile from consumer preference information provided by said peer-to-peer music sharing system.

48. (Previously Presented) The method of claim 40 further comprising:
transmitting to the consumer site, for storage on a storage medium at the consumer site, information identifying music selections available for transmission to the intermediate storage medium.

49. (Previously Presented) The method of claim 48 further comprising:
before automatically charging the consumer for the music selection, receiving an indication that the entire music selection has been recorded on the permanent storage medium.

50. (Previously Presented) The method of claim 49, further comprising:
communicating an order of said music selection to a central controller;
transferring copies of records of said order to a transmission scheduler;
communicating schedules created by said transmission scheduler to a satellite uplink facility for transmission of said order; and
transmitting via satellite said order to said customer site.

51. (Previously Presented) The method of claim 50, wherein said order communication comprises:

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an action selected from the group consisting of: using a home personal computer for ordering said music selection, using a cell phone for ordering said music selection, using a Personal Data Assistant wireless device for ordering said music selection; ordering said music selection is via wireless application protocol.

52. (Currently amended) A computer readable storage medium having computer executable instructions stored thereon, the instructions comprising:

instructions to inform a consumer that a music selection is available for transmission to an intermediate storage medium at a consumer site via a peer-to-peer music sharing system, the instructions to inform comprising instructions to place either a highlight or an icon within a catalog of the peer-to-peer music sharing system whenever the music selection is available for transmission to the intermediate storage medium;

instructions to provide a mechanism for the consumer to request the music selection while at a website of the peer-to-peer music sharing system;

instructions to receive a consumer request for a the music selection;

instructions to transmit, responsive to said receiving the consumer request, the music selection to ~~an~~ the intermediate storage medium at a consumer site;

instructions to receive an indication that at least a portion of the music selection has been recorded ~~from on~~ the intermediate storage medium ~~to~~ and subsequently recorded on a permanent storage medium located at the consumer site; and

instructions to automatically charge, responsive to said indication, the consumer for the music selection.

53. (Previously Presented) The computer readable medium of claim 52, wherein the instructions to automatically charge comprise instructions to automatically charge electronically.

54. – 55. (Canceled)

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56. (Currently amended) The computer readable of claim ~~55~~ 52, the instructions further comprising:

instructions to pay an operator of said peer-to-peer music sharing system for advertising and making music available for transmission to the intermediate storage medium.

57. – 58. (Canceled)

59. (Currently amended) The computer readable of claim ~~55~~ 52, the instructions further comprising:

instructions to create a profile from consumer preference information provided by said peer-to-peer music sharing system.

60. (Previously Presented) The computer readable of claim 52, the instructions further comprising:

instructions to transmit to the consumer site, for storage on a storage medium at the consumer site, information identifying music selections available for transmission to the intermediate storage medium.

61. (Previously Presented) The computer readable of claim 60, the instructions further comprising:

instructions to, before automatically charging the consumer for the music selection, receive an indication that the entire music selection has been recorded on the permanent storage medium.

62. (Previously Presented) The computer readable of claim 61, the instructions further comprising:

instructions to communicate an order of said music selection to a central controller;
instructions to transfer copies of records of said order to a transmission scheduler;

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instructions to communicate schedules created by said transmission scheduler to a satellite uplink facility for transmission of said order; and

instructions to transmit via satellite said order to said customer site.

63. (Previously Presented) The computer readable of claim 62, wherein said order communication comprises an action selected from the group consisting of: using a home personal computer for ordering said music selection, using a cell phone for ordering said music selection, using a Personal Data Assistant wireless device for ordering said music selection; ordering said music selection is via wireless application protocol.

64. (Currently amended) An apparatus comprising:

means for informing a consumer that a music selection is available for transmission to an intermediate storage medium at a consumer site via a peer-to-peer music sharing system, the means for informing comprising means for placing either a highlight or an icon within a catalog of the peer-to-peer music sharing system whenever the music selection is available for transmission to the intermediate storage medium;

means for providing a mechanism for the consumer to request the music selection while at a website of the peer-to-peer music sharing system;

means for receiving a consumer request for a the music selection;

means for transmitting the music selection, responsive to said receiving the consumer request, to an the intermediate storage medium at a consumer site; and

a central controller system configured to:

means for receiving receive an indication that at least a portion of the music selection has been recorded from on the intermediate storage medium to and subsequently recorded on a permanent storage medium located at the consumer site; and

means for automatically charging charge the consumer for the music selection in response to receiving the indication that at least a portion of the music selection has been recorded on the permanent storage medium located at the consumer site.

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65. (Previously Presented) The apparatus of claim 64 further wherein the means for automatically charging is configured to automatically charge electronically.

66. (Canceled)

67. (Previously Presented) The apparatus of claim 64 further comprising:
means for transmitting to the consumer site information identifying available music selections for recording on the storage medium.

68. - 70. (Canceled)

71. (Previously Presented) The apparatus of claim 64 further comprising:
means for transmitting, for storage on a storage medium at the consumer site, information identifying music selections available for transmission to the intermediate storage medium.

72. - 75. (Canceled)

76. (Previously Presented) The method of claim 40, further comprising:
transmitting pricing information for the music selection to a customer station located at the customer site; and
periodically transmitting updated pricing information for the music selection to the customer station;
wherein the automatically charging the customer for the music selection is done in accordance with the updated pricing information.

77. (Previously Presented) The computer readable medium of claim 52, further comprising:
instructions to transmit pricing information for the music selection to a customer station located at the customer site; and

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instructions to periodically transmit updated pricing information for the music selection to the customer station;

wherein the automatically charging the customer for the music selection is done in accordance with the updated pricing information.

78. (Previously Presented) The apparatus of claim 64, further comprising:

means for transmitting pricing information for the music selection to a customer station located at the customer site; and

means for periodically transmitting updated pricing information for the music selection to the customer station;

wherein the automatically charging the customer for the music selection is done in accordance with the updated pricing information.

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REMARKS

Office action summary

As of the mailing of the office action of December 21, 2010, claims 40-41, 43-53, 55-65, 67, 71, and 73-78 were pending in the present application. Claims 40, 44, 47, 52, 56, 59, and 64 are presently amended. Claims 43, 45-46, 55, 57-58, and 73-75 are presently canceled. No claims are presently added. Thus, following entry of the present amendments, claims 40-41, 44, 47-53, 56, 59-65, 67, 71, and 76-78 will be pending.

In the Office Action, the examiner rejected the claims and deemed the claims to be allowable as follows:

- Claims 40-41, 43-53, 55-65, 67, 71, and 73-78 were rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement.
- Claims 64-65, 67, 71, 73-75, and 78 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.
- Claims 40-41, 48-51, 52-53, 60-65, 67, and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser, US Patent 7,263,497 (“Wiser”), in view of Hamada, US Patent 6,792,007 (“Hamada”).
- Claims 43, 55, and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada, and further in view of Williams, “MP3 All in One,” Newsbytes, July 23, 1999 (“Williams”).
- Claims 44 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser, in view of Hamada, in view of Williams, and further in view of Wolff, US Patent 6,247,047 (“Wolff”).
- Claims 47 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser, in view of Hamada, in view of Williams, and further in view of Allen, US Publication 2003/0036974 (“Allen”).

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- Claims 76-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wisor, in view of Hamada, and further in view of Doyle, US Patent 5,694,551 (“Doyle”).
- Claims 45-46, 57-58, and 74-75 were deemed to be allowable if (1) rewritten in independent form including all the limitations of their base claims and any intervening claims, and (2) the rejections under 35 U.S.C. § 112 were overcome.

The amendments and rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants’ undersigned attorney, Jon M. Isaacson, at 206-332-1102.

Rejections of canceled claims

Claims 43, 45-46, 55, 57-58, and 73-75 each stood rejection under 35 U.S.C. §§ 103(a) and 112. Without conceding the propriety of any of the rejections of claims 43, 45-46, 55, 57-58, and 73-75, in an effort to advance prosecution of the present application, applicants presently cancel claims 43, 45-46, 55, 57-58, and 73-75. Accordingly applicants submit that the rejections of claims 43, 45-46, 55, 57-58, and 73-75 under 35 U.S.C. §§ 103(a) and 112 are moot.

Rejections under 35 U.S.C. § 112, ¶ 1

Claim 40 stands rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. More specifically, the examiner finds that “although the specification is supportive of storing a music selection in intermediate storage and sometime thereafter permanently storing the music selection, nowhere in Applicant’s specification is there support for recording *from* the intermediate storage to permanent storage.” Office Action, page 8 (emphasis in original). From this, the examiner concludes that the specification does not provide support for “receiving an indication that at least a portion of the music selection has been recorded from the intermediate storage medium to a permanent storage medium located at the consumer site,” as recited by claim 40. Applicants persist in their assertion that this portion of

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claim 40 is supported by the specification for at least those reasons discussed on pages 14-16 of applicants' remarks filed on November 22, 2010. However, without conceding the propriety of the examiner's findings in the Office Action, in an effort to advance prosecution of the present application, applicants presently amend claim 40 to recite "receiving an indication that at least a portion of the music selection has been recorded on the intermediate storage medium and subsequently recorded on a permanent storage medium located at the consumer site." The examiner indicates that the specification supports storing a music selection in intermediate storage and sometime thereafter permanently storing the music selection and the examiner used a similar interpretation for purposes of examining claim 40. Office Action, page 8. Thus, applicants submit that claim 40, as presently amended, is supported by the specification. Accordingly, applicants respectfully request withdrawal of the rejection of claim 40 under 35 U.S.C. § 112, ¶ 1.

Claims 52 and 64 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement for essentially the same reasons that claim 40 was deemed not to comply with the written description requirement. Office Action, page 8. Without conceding the propriety of the rejection of claims 52 and 64, applicants presently amend claims 52 and 64 to recite subject matter similar to the subject matter recited by claim 40. For at least the reasons that claim 40 is supported by the specification, applicants submit that claims 52 and 64 are supported by the specification. Accordingly, applicants request withdrawal of the rejection of claims 52 and 64 under 35 U.S.C. § 112, ¶ 1.

Claims 41, 44, 47-51, 53, 56, 59-63, 65, 67, 71, and 75-78 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. Claims 41, 44, 47-51, 53, 56, 59-63, 65, 67, 71, and 75-78 depend from claims 40, 52, and 64, and were rejected under 35 U.S.C. § 112, ¶ 1, because of their dependency from claims 40, 52, and 64. Inasmuch as claims 40, 52, and 64 are supported by the specification, applicants submit that dependent claims 41, 44, 47-51, 53, 56, 59-63, 65, 67, 71, and 75-78 are also supported by the specification. Accordingly, applicants request withdrawal of the rejection of claims 41, 44, 47-51, 53, 56, 59-63, 65, 67, and 71, and 75-78 under 35 U.S.C. § 112, ¶ 1.

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Claim 64 further stands rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement as reciting means-plus-function language which does not have any corresponding structure, material, or acts in the specification. Office Action, page 9. More specifically, the examiner found that the term “means for receiving an indication that at least a portion...” invokes 35 U.S.C. § 112, ¶ 6, but the examiner indicated that the specification did not contain any corresponding structure, material, or acts. Office Action, page 9. The examiner further indicated that the rejection could be overcome by amending the claim so that this recitation is no longer a means plus function recitation. Office Action, pages 9-10.

Without conceding the propriety of the rejection of claim 64 under 35 U.S.C. § 112, ¶ 1, in an effort to advance prosecution of the present application, applicants presently amend claim 64. As amended, claim 64 recites “a central controller system configured to...receive an indication that at least a portion...” Applicants submit that this recitation is supported by the specification at least by page 15, lines 8-16, and Figures 1, 3, and 4. Inasmuch as claim 64 has been amended such that the recited “central controller system configured to...receive an indication” does not invoke 35 U.S.C. § 112, ¶ 6, and inasmuch as this recitation is supported by the specification, applicants respectfully request withdrawal of the rejection of claim 64 under 35 U.S.C. § 112, ¶ 1.

Claims 65, 67, 71, and 78 further stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement because they depended from claim 64. Office Action, page 9. Claims 65, 67, 71, and 78 depend from claim 64. Inasmuch as claim 64 is supported by the specification, applicants submit that dependent claims 65, 67, 71, and 78 are also supported by the specification. Accordingly, applicants request withdrawal of the rejection of claims 65, 67, 71, and 78 under 35 U.S.C. § 112, ¶ 1.

Rejections under 35 U.S.C. § 112, ¶ 2

Claim 64 stands rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. More specifically, the examiner found that the examiner found that “the written description fails to

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clearly link or associate the disclosed structure, materials, or acts to the claimed function” in both of the “means for receiving an indication” and “means for automatically charging” recited by claim 64. Office Action, page 11. Without conceding the propriety of the rejection of claim 64 under 35 U.S.C. § 112, ¶ 2, in an effort to advance prosecution of the present application, applicants presently amend claim 64. As amended, claim 64 recites “a central controller system configured to...receive an indication...and automatically charge the consumer.” Applicants submit that this recitation is not indefinite, especially when read in light of page 15, lines 8-16, and Figures 1, 3, and 4 of the specification. Inasmuch as this recitation of claim 64 is not indefinite, applicants respectfully request withdrawal of the rejection of claim 64 under 35 U.S.C. § 112, ¶ 2.

Claims 65, 67, 71, 73-75, and 78 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention because they depended from claim 64 which was deemed to be indefinite. Office Action, page 12. Inasmuch as claim 64 is not indefinite, applicants submit that dependent claims 65, 67, 71, and 78 are also not indefinite. Accordingly, applicants request withdrawal of the rejection of claims 65, 67, 71, and 78 under 35 U.S.C. § 112, ¶ 2.

Rejections under 35 U.S.C. § 103(a)

Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada. Without conceding the propriety of the rejection of claim 40, in an effort to advance prosecution of the present application, applicants presently amend claim 40. As amended, claim 40 recites subject matter previously recited by claim 43 and claim 40 recites, in the alternative, subject matter previously recited by claims 45 and 46. In the Office Action, the examiner indicates that claims 45 and 46 would be allowable if rewritten in independent form including all the limitations of their base claims and any intervening claims. Claims 45 and 46 each depended from claim 43, and claim 43 depended from claim 40. Thus, as presently amended, claim 40 recites, in the alternative, the subject matter of claims 45 and 46, including all of the limitations of their base claim and any intervening claim. Accordingly, for at least the

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reasons that claims 45 and 46 were deemed to be allowable if allowable if rewritten in independent form, applicants submit that claim 40 is not rendered obvious by the cited references. Accordingly, applicants respectfully request withdrawal of the rejection of claim 40 under 35 U.S.C. § 103(a).

Claim 52 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada. Without conceding the propriety of the rejection of claim 52, in an effort to advance prosecution of the present application, applicants presently amend claim 52. As amended, claim 52 recites subject matter previously recited by claim 55 and claim 52 recites, in the alternative, subject matter previously recited by claims 57 and 58. In the Office Action, the examiner indicates that claims 57 and 58 would be allowable if rewritten in independent form including all the limitations of their base claims and any intervening claims. Claims 57 and 58 each depended from claim 55, and claim 55 depended from claim 52. Thus, as presently amended, claim 52 recites, in the alternative, the subject matter of claims 57 and 58, including all of the limitations of their base claim and any intervening claim. Accordingly, for at least the reasons that claims 57 and 58 were deemed to be allowable if allowable if rewritten in independent form, applicants submit that claim 52 is not rendered obvious by the cited references. Accordingly, applicants respectfully request withdrawal of the rejection of claim 52 under 35 U.S.C. § 103(a).

Claim 64 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada. Without conceding the propriety of the rejection of claim 64, in an effort to advance prosecution of the present application, applicants presently amend claim 64. As amended, claim 64 recites subject matter previously recited by claim 73 and claim 64 recites, in the alternative, subject matter previously recited by claims 74 and 75. In the Office Action, the examiner indicates that claims 74 and 75 would be allowable if rewritten in independent form including all the limitations of their base claims and any intervening claims. Claims 74 and 75 each depended from claim 73, and claim 73 depended from claim 64. Thus, as presently amended, claim 64 recites, in the alternative, the subject matter of claims 74 and 75, including all of the limitations of their base claim and any intervening claim. Accordingly, for at least the

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reasons that claims 74 and 75 were deemed to be allowable if allowable if rewritten in independent form, applicants submit that claim 64 is not rendered obvious by the cited references. Accordingly, applicants respectfully request withdrawal of the rejection of claim 64 under 35 U.S.C. § 103(a).

Claims 41, 48-51, 53, 60-63, 65, 67, and 71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada. Claims 41, 48-51, 53, 60-63, 65, 67, and 71 depend from claims 40, 52, and 64. Inasmuch as claims 41, 48-51, 53, 60-63, 65, 67, and 71 depend from claims which are not rendered obvious by Wiser and Hamada, applicants submit that claims 41, 48-51, 53, 60-63, 65, 67, and 71 are also not rendered obvious by Wiser and Hamada. Accordingly, applicants respectfully request withdrawal of the rejection of claims 41, 48-51, 53, 60-63, 65, 67, and 71 under 35 U.S.C. § 103(a).

Claims 44, 47, 56, 59, and 76-78 stand under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of Hamada, and further in view of one or more of Williams, Wolff, Allen, and Doyle. Claims 44, 47, 56, 59, and 76-78 depend from claims 40, 52, and 64. Inasmuch as claims 44, 47, 56, 59, and 76-78 depend from claims which are not rendered obvious by the cited references, applicants submit that claims 44, 47, 56, 59, and 76-78 are also not rendered obvious by the cited references. Accordingly, applicants respectfully request withdrawal of the rejection of claims 44, 47, 56, 59, and 76-78 under 35 U.S.C. § 103(a).

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 40-41, 44, 47-53, 56, 59-65, 67, 71, and 76-78 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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Date: DRAFT

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